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State Bar Court of California
Hearing Department
Los Angeles
DISBARMENT

<p>Counsel For The State Bar</p> <p>Nada M. Alnajafi Deputy Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015-2299 (213)765-1336</p> <p>Bar # 267621</p>	<p>Case Number(s): 12-O-11213</p>	<p>For Court use only</p> <p>FILED</p> <p>MAY -8 2013 <i>Yre</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Ravi Jain 1503 S. Coast Drive, Suite 318 Costa Mesa, CA 92626 (949)202-1297 trojanlaw@gmail.com</p> <p>Bar # 242860</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: RAVI JAIN</p> <p>Bar # 242860</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 2, 2006.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) pages, not including the order.



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- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) **ORDER OF INACTIVE ENROLLMENT:**
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See attachment.

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See attachment.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

None.

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See attachment.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) **Restitution:** Respondent must make restitution to Kuldip and Maria Ahluwalia in the amount of \$ 10,100 plus 10 percent interest per year from January 13, 2011. If the Client Security Fund has reimbursed Kuldip and Maria Ahluwalia for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than N/A days from the effective date of the Supreme Court order in this case.
- (3) **Other:**

6. In December 2010, Respondent informed the Ahluwalias that he had achieved a settlement agreement with Specialized Loan Servicing, LLC ("SLS"), whereby the Ahluwalias would pay off their entire second mortgage of \$130,000 for just \$22,000 (the "short pay agreement"). According to the written terms of the short pay agreement provided to Respondent by SLS, if SLS did not receive the full \$22,000 by the requisite deadline, then the short pay agreement would be rendered null and void. The Ahluwalias informed Respondent that they accepted the terms of the short pay agreement.
7. Respondent instructed the Ahluwalias to provide him with \$22,000, and that he would forward the payment to SLS on their behalf. By January 13, 2011, several months before the deadline identified in the short pay agreement, the Ahluwalias provided Respondent with a total of \$22,000.
8. At no time did Respondent deposit any part or portion of the \$22,000 in a client trust account.
9. On January 11, 2011, Respondent paid \$6,000 to SLS. At no time did Respondent provide the remaining balance of \$16,000 to SLS. Due to Respondent's failure to forward the entire \$22,000 to SLS, SLS rendered the short pay agreement null and void.
10. Respondent misappropriated the remaining \$16,000.
11. On May 19, 2011, the Ahluwalias lost their home to foreclosure. That same day, the Ahluwalias sent an email to Respondent terminating his employment and requesting a refund of the \$12,100 in advanced, attorney's fees and a return of the \$22,000 paid in connection with the short pay agreement, for a total of \$34,100. Respondent received the Ahluwalias' email.
12. Between May and November 2011, Respondent paid \$18,000 to the Ahluwalias. To date, Respondent still owes the Ahluwalias \$10,100 (\$34,100 minus \$18,000 minus \$6,000).

CONCLUSIONS OF LAW:

13. By charging and collecting \$12,100 in advanced attorney's fees in exchange for agreeing to perform home mortgage loan modification services, and by negotiating, arranging or offering to perform a mortgage loan modification for a fee paid by a borrower in advance of completing each and every service he contracted or otherwise represented he would perform, Respondent violated California Civil Code section 2944.7(a)(1), in willful violation of Business and Professions Code section 6106.3.
14. By misappropriating \$16,000 of the Ahluwalias' funds, Respondent committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.
15. By not depositing any portion of the \$22,000 that he received from the Ahluwalias in connection with the short pay agreement into a client trust account, Respondent failed to deposit funds received for the benefit of a client in a bank account labeled "Trust Account,"

"Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-100(A).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Harm: Respondent has caused significant financial harm to the Ahluwalias by failing to promptly refund the illegal, advanced fee that he charged and collected from them, and by misappropriating the funds that he received from the Ahluwalias in connection with the short pay agreement. To date, Respondent still owes the Ahluwalias \$10,100. (See Std 1.2(b)(iv).)

Multiple Acts: Respondent engaged in multiple acts of misconduct, involving four separate violations of the State Bar Act and Rules of Professional Conduct. (See Std. 1.2(b)(ii).)

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Cooperation with State Bar: Respondent is entitled to limited mitigation for entering into this stipulated settlement at an early stage without the need of a trial to resolve this matter. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing multiple acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent's misconduct is found in standard 2.2(a), which applies to Respondent's violation of Business and Professions Code section 6106.

Standard 2.2(a) provides that “[c]ulpability of a member of wilful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of the mitigating circumstances.”

Further, the Supreme Court has repeatedly held that disbarment is the usual discipline for the willful misappropriation of client funds. (*See, e.g., Grim v. State Bar* (1991) 53 Cal.3d 21; *Edwards v. State Bar* (1990) 52 Cal.3d 28, 37; *Howard v. State Bar* (1990) 51 Cal.3d 215, 221; *Chang v. State Bar* (1989) 49 Cal.3d 114, 128.)

Here, the amount of funds that Respondent misappropriated is not insignificantly small. The contrary is true. Further, although Respondent is entitled to some mitigation for cooperating with the State Bar in entering into this stipulation, he has not demonstrated that there are any compelling mitigating factors. Accordingly, Respondent’s disbarment is warranted under Standard 2.2(a).

PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph A(7) was sent to Respondent by first class mail on March 28, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of March 28, 2013, the prosecution costs in this matter are \$3,378. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
12-O-11213	Two	Rules of Professional Conduct, rule 4-200(A)
12-O-11213	Five	Rules of Professional Conduct, rule 4-100(B)(4)
12-O-11213	Six	Rules of Professional Conduct, rule 3-700(D)(2)
12-O-11213	Seven	Business and Professions Code section 6068(i)

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In the Matter of: RAVI JAIN	Case number(s): 12-O-11213
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

4/15/13  Ravi Jain
Date Respondent's Signature Print Name

4/15/13  Nada M. Alnajafi
Date Deputy Trial Counsel's Signature Print Name

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In the Matter of: RAVI JAIN	Case Number(s): 12-O-11213
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DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On page 5, E. (2) Restitution -- The date the accrued interest should begin is May 19, 2011. Delete the reference to "January 13, 2011" and replace it with "May 19, 2011."

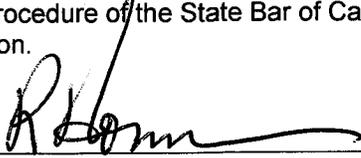
2. On page 8, Multiple Acts -- Change "four" to "three" as respondent engaged in three violations of the State Bar Act and Rules of Professional Conduct.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent Ravi Jain is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

4/29/13


RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 8, 2013, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE
ENROLLMENT - DISBARMENT**

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RAVI JAIN
LAW OFFICE OF RAVI JAIN
1503 S COAST DR
SUITE 318
COSTA MESA, CA 92626**

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

AGUSTIN HERNANDEZ, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 8, 2013.



Tammy Cleaver
Case Administrator
State Bar Court